

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Mollie Williams

(b) County of Residence of First Listed Plaintiff

Macomb

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

MARKO LAW, PLLC  
1300 Broadway, 5th Floor  
Detroit, Michigan 48226  
Tel.: 313-777-7529

DEFENDANTS

Amazon.com Services LLC, and Dion Bryant Carter, Jr.

County of Residence of First Listed Defendant

King County, Washington

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Morgan, Lewis & Bockius LLP  
110 North Wacker Drive, Suite 2800  
Chicago, Illinois 60606  
Tel.: 312-324-1000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel &amp; Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice</div></div> <div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</div></div> <div><div>PERSONAL PROPERTY</div><div><input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</div></div>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <div>LABOR</div> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <div>IMMIGRATION</div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div>PROPERTY RIGHTS</div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <div>SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div>FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<div>Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty</div> <div>Other: <input type="checkbox"/> 540 Mandamus &amp; Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</div>		

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§ 1332, 1441 and 1446

Brief description of cause:  
The properly joined parties are diverse and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ Excess of \$75,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 7, 2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Stephanie L. Sweitzer

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**Civil Nature of Suit Code Descriptions**  
**(Rev. 10/20)**

**Contract**

<b>Code</b>	<b>Title</b>	<b>Description</b>
110	Insurance	Action alleging breach of insurance contract, tort claim, or other cause related to an insurance contract, except for maritime insurance contracts.
120	Marine	Action (Admiralty or Maritime) based on service, employment, insurance or other contracts relating to maritime vessels and other maritime contractual matters.
130	Miller Act	Action based on performance and payment bonds agreed to by contractors on federal construction projects as required under the Miller Act, 40 U.S.C. § 3131-3134.
140	Negotiable Instrument	Action relating to an agreement to pay a specific amount of money, including promissory notes, loan agreements and checks.
150	Recovery of Overpayment & Enforcement Judgment	Action to recover debt owed to the United States, including enforcement of judgments, based on overpayments and restitution agreements involving matters other than Medicare benefits, student loans and veterans' benefits.
151	Medicare	Action relating to Medicare payments, including actions for payments of benefits, to recover overpayments, and for judicial review of administrative decisions.
152	Recovery of Defaulted Student Loans (Excludes Veterans)	Action to recover debt owed to the United States from defaulted student loan.
153	Recovery of Overpayment of Veterans' Benefits	Action relating to payments of veterans' benefits, primarily including actions to recover overpayments.
160	Stockholders' Suits	Action brought by stockholder(s) of a corporation (including both stockholder derivative suits and direct actions based on plaintiff's rights as a stockholder), usually alleging claims based on contract and/or tort law and/or fiduciary obligations.
190	Other Contract	Action primarily based on rights and obligations under a contract not classifiable elsewhere under the specific natures of suit under "Contract."
195	Contract Product Liability  Actions primarily alleging personal injury or property damage caused by a defective product should be classified under the appropriate nature of suit code under "TORTS."	Action concerning damages caused by a defective product, not primarily involving personal injury or property damage, and based primarily on breach of contract, breach of warranty, misrepresentation, and/or violation of consumer protection laws.
196	Franchise	Action arising from a dispute over a franchise agreement, typically alleging breach of contract, misrepresentation or unfair trade practices.

**Civil Nature of Suit Code Descriptions**  
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**Real Property**

Code	Title	Description
210	Land Condemnation	Action by a governmental entity to take privately-owned real property (land or buildings) for public use for compensation.
220	Foreclosure	Action to enjoin foreclosure on real property by mortgage lender.
230	Rent Lease & Ejectment	Action for rental or lease payments owed on real property and/or to eject a party occupying real property illegally.
240	Torts to Land	Action alleging trespass to land, nuisance, contamination or other unlawful entry on or interference with real property possessed by another.
245	Tort Product Liability	Action alleging harm by an unsafe product based on negligence, breach of warranty, misrepresentation, and strict tort liability.
290	All Other Real Property	Action primarily based on unlawful conduct relating to real property that cannot be classified under any other nature of suit.

**Torts/Personal Injury**

Code	Title	Description
310	Airplane (Excludes airplane product liability claims)	Action alleging personal injury or wrongful death from an air crash or other occurrence involving an airplane.
315	Airplane Product Liability	Action alleging personal injury or death from an air crash or other occurrence involving an airplane and caused by a defective product.
320	Assault, Libel & Slander (Excludes a government employee)	Action alleging intentional acts of assault, libel, trade libel or slander by a private party.
330	Federal Employers' Liability	Action for personal injury or wrongful death brought by a railroad employee or his survivors under the Federal Employers' Liability Act (FELA), 45 U.S.C. § 51, et. seq.
340	Marine (Excludes marine product liability claims)	Action (Admiralty and Maritime) alleging personal injury or death from an accident involving a water vessel or harbor/dock facilities, including suits brought under the Jones Act and the Limitation of Liability Act.
345	Marine Product Liability	Action (Admiralty and Maritime) alleging personal injury or wrongful death from an accident involving a water vessel or harbor/dock facilities and caused by a defective product.
350	Motor Vehicle	Action alleging personal injury or wrongful death from negligence involving a motor vehicle but not caused by a defective product.
355	Motor Vehicle Product Liability	Action alleging personal injury or wrongful death involving a motor vehicle and caused by a defective product.
360	Other Personal Injury	Action primarily based on personal injury or death caused by negligence or intentional misconduct, including suits brought against the United States under the Federal Tort Claims Act, and which cannot be classified under any other nature of suit.
362	Personal Injury - Medical Malpractice	Action alleging personal injury or wrongful death caused by negligence in medical care provided by a doctor or other health care professional.
365	Personal Injury - Product Liability (Excludes a marine or airplane product)	Action alleging personal injury or death resulting from a defective product.
367	Health Care/Pharmaceutical Personal Injury Product Liability	Action alleging personal injury or death caused by a defective medical or pharmaceutical product.
368	Asbestos Personal Injury Product Liability	Action alleging personal injury or death caused by exposure to asbestos products.

**Civil Nature of Suit Code Descriptions**  
**(Rev. 10/20)**

**Personal Property**

Code	Title	Description
370	Other Fraud (Excludes any property that is not real property)	Action primarily based on fraud relating to personal property that cannot be classified under any other nature of suit.
371	Truth in Lending  Actions relating to fraud or misrepresentation in the transfer of real property should be classified under nature of suit 290, "All Other Real Property," or, if foreclosure is involved, under nature of suit 220, "Foreclosure."	Action alleging violation of the federal Truth in Lending Act arising from consumer loan transactions involving personal property including automobile loans and revolving credit accounts.
380	Other Personal Property Damage	Action primarily based on damage to personal property caused by harmful conduct such as negligence, misrepresentation, interference with business relationships or unfair trade practices.
385	Property Damage Product Liability	Action alleging damage to personal property caused by a defective product.

**Civil Rights**

Code	Title	Description
440	Other Civil Rights (Excludes claims against corrections officials)	Action alleging a civil rights violation other than the specific civil rights categories listed below or a violation related to prison. Example: Action alleging excessive force by police incident to an arrest.
441	Voting	Action filed under Civil Rights Act, 52 U.S.C. § 10101, and Voting Rights Act, 52 U.S.C. § 10301
442	Employment	Action filed under Age Discrimination in Employment Act 29:621:634, Equal Employment Opportunity Act (Title VII) 42:2000E, Performance Rating Act of 1950 5:4303
443	Housing/Accommodations	Action filed under the Fair Housing Act (Title VII), 42 U.S.C. § 3601 & 3602.
445	Americans With Disabilities - Employment	Action of discrimination against an employee with disabilities of any type in the work place, filed under 42 U.S.C. § 12117
446	Americans With Disabilities - Other	Action of discrimination against an individual with disabilities in areas other than employment, filed under 42 U.S.C. § 12133 (exclusion or discrimination in provision of services, programs or activities of a public entity) or 42 U.S.C. § 12188 (public accommodations)
448	Education	Action filed under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 and Title IX of the Education Amendment of 1972, 20 U.S.C. § 1681 et seq.

**Civil Nature of Suit Code Descriptions**  
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**Prisoner Petitions**  
**Habeas Corpus**

Code	Title	Description
463	Alien Detainee	Immigration habeas petition under 28 U.S.C. § 2241. All cases filed with this nature of suit code are restricted to case participants and public terminals. Petition is filed by an alien detainee.
510	Motions to Vacate Sentence	Action by a prisoner to vacate or modify a sentence imposed in federal court, other than a death sentence, under 28 U.S.C. § 2255.
530	General	Action by a federal or state prisoner currently in custody challenging the legality of confinement or other punishment. This includes claims alleging illegalities that occurred in trial (for example, ineffective assistance of counsel), sentencing (including fines and restitution orders), or disciplinary proceedings in prison (for example, loss of good time credits). Habeas petition under 28 U.S.C. § 2254 or prisoner habeas under 28 U.S.C. § 2241.
535	Death Penalty	Action by a federal or state prisoner challenging a death sentence.

**Other**  
**Prisoner Petitions**

Code	Title	Description
540	Mandamus & Other	Action by prisoner currently in custody for a writ of mandamus to compel action by a judge or government official relating to the prisoner's confinement, including conditions of confinement. This category also includes any actions other than mandamus brought by a prisoner currently in custody, whether or not it relates to his confinement, if it is not classifiable under any other nature of suit category under Prisoner Petitions (for example, action by prisoner to recover property taken by the government in a criminal case).
550	Civil Rights	Action by current or former prisoner alleging a civil rights violation by corrections officials that is not related to a condition of prison life.
555	Prison Condition	Action by current prisoner, or former prisoner or their families alleging a civil rights, Federal Tort Claims Act, or state law claim with respect to a condition of prison life, whether general circumstances or particular episodes. Examples: inadequate medical care or excessive force by prison guards. Includes non-habeas actions by alien detainees alleging unlawful prison conditions.
560	Civil Detainee - Conditions of Confinement (Excludes actions by alien detainees)	Action by former prisoner who was involuntarily committed to a non-criminal facility after expiration of his or her prison term alleging unlawful conditions of confinement while in the non-criminal facility. This category includes, for example, an action by a former prisoner classified as a Sexually Dangerous Person or Sexually Violent Predator alleging civil rights violations during his detention in a medical facility.



**Civil Nature of Suit Code Descriptions**  
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**Forfeiture/Penalty**

Code	Title	Description
625	Drug Related Seizure of Property 21 U.S.C. § 881	Action (Forfeiture) by which property itself is accused of wrongdoing and is forfeited to the government as a result.
690	Other	Action primarily based on Acts or Bills that cannot be classified under any other nature of suit, such as: Endangered Species Act, Federal Hazardous Substance Act 15:1261, Game & Wildlife Act 15:256C et seq. (Penalty), Federal Trade Commission Act 15:41-51 (Penalty), Federal Coal Mine Health & Safety Act 30:801 et seq. (Penalty), Load Line Act 46:85-85G, McGuire Bill (Federal Fair Trade) 15:45L Penalty, Marihuana Tax Act 50 STAT 551, Motorboat Act 46:526-526T, National Traffic & Motor Vehicle Safety Act penalty 49:1655, Veterans' Benefit Act, Title 38 Penalty.

**Labor**

Code	Title	Description
710	Fair Labor Standards Act (Non-Union)	Action relating to non-union workplace related disputes filed under the Fair Labor Standards Act, 29 U.S.C. § 201 including but not limited to wage discrimination, paid leave, minimum wage and overtime pay.
720	Labor/Management Relations (Union)	Action relating to disputes between labor unions and employers as well as all petitions regarding actions of the Nation Labor Relations Board (NLRB)
740	Railway Labor Act	Action relating to disputes filed under the Railway Labor Act, 45 U.S.C. § 151 including labor disputes, individual claims, and response to sanctions.
751	Family and Medical Leave Act	Action filed under the Family Medical Leave Act, 29 U.S.C. § 2601
790	Other Labor Litigation	Action primarily based on labor disputes not addressed by other NOS codes (includes Labor/Management Reporting and Disclosure Act)
791	Employee Retirement Income Security Act	Action filed under the Employee Retirement Income Security Act, 29 U.S.C. § 1132 by individuals and labor organizations.

**Immigration**

Code	Title	Description
462	Naturalization Application	Action seeking review of denial of an application for naturalization [8 U.S.C. § 1447(b)] or alleging failure to make a determination regarding an application for naturalization [8 U.S.C. § 1421(c)].
465	Other Immigration Actions	Action (Immigration-related) that do not involve Naturalization Applications or petitions for Writ of Habeas Corpus, such as complaints alleging failure to adjudicate an application to adjust immigration status to permanent resident.



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**Bankruptcy**

Code	Title	Description
422	Appeal 28 USC § 158	All appeals of previous bankruptcy decisions filed under 28 U.S.C. § 158
423	Withdrawal of Reference 28 USC § 157	Action held in bankruptcy court requesting withdrawal under the provisions of 28 U.S.C. § 157

**Property Rights**

Code	Title	Description
820	Copyright	Action filed in support or to dispute a copyright claim.
830	Patent	Action filed in support or to dispute a patent claim.
835	Patent – Abbreviated New Drug Application (ANDA)	Action filed in support or to dispute a patent claim involving an Abbreviated New Drug Application (ANDA). These cases are also known as “Hatch-Waxman” cases.
840	Trademark	Action filed in support or to dispute a trademark claim
880	Defend Trade Secrets Act of 2016 (DTSA)	Action filed in support or to dispute a trade secret misappropriation

**Social Security**

Code	Title	Description
861	HIA (1395ff)	Action filed with regard to social security benefits associated with Health Insurance Part A Medicare
862	Black Lung (923)	Action filed with regard to social security benefits provided for those who contracted Black Lung or their beneficiaries
863	DIWC/DIWW (405(g))	Action filed with regard to social security benefits provided to disabled individuals: worker or child, or widow
864	SSID Title XVI	Action filed with regard to social security benefits provided to Supplemental Security Income Disability under Title XVI
865	RSI (405(g))	Action filed with regard to social security benefits provided for Retirement, Survivor Insurance under 42 U.S.C. § 405

**Federal Tax Suits**

Code	Title	Description
870	Taxes (U.S. Plaintiff or Defendant)	Action filed under the Internal Revenue Code (General)
871	IRS-Third Party 26 USC 7609	Action filed under the Internal Revenue Code - Tax Reform Act of 1976 (P.L. 94-455) Third Party

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**Other Statutes**

Code	Title	Description
375	False Claims Act	Action filed by private individuals alleging fraud against the U.S. Government under 31 U.S.C. § 3729.
376	Qui Tam (31 U.S.C. § 3729(a))	Action brought under the False Claims Act by private persons (also known as "whistleblowers") on their own behalf and on behalf of the United States to recover damages against another person or entity that acted fraudulently in receiving payments or property from, or avoiding debts owed to, the United States Government, 31 U.S.C. § 3730
400	State Reapportionment	Action filed under the Reapportionment Act of 1929 Ch. 28, 46 Stat. 21, 2 U.S.C. § 2a.
410	Antitrust	Action brought under the Clayton Act 15 U.S.C. § 12 - 27 alleging undue restriction of trade and commerce by designated methods that limit free competition in the market place amongst consumers such as anti-competitive price discrimination, corporate mergers, interlocking directorates or tying and exclusive dealing contracts.
430	Banks and Banking	Action filed under the Federal Home Loan Bank Act 12:1421-1449, Home Owners Loan Act 12:1461 or Federal Reserve Acts 12:142 et seq.
450	Commerce	Action filed under the Interstate Commerce Acts 49:1 et seq., 49:301
460	Deportation	Action filed under the Immigration Acts (Habeas Corpus & Review) 8:1101/18:1546
470	Racketeer Influenced and Corrupt Organizations	Racketeer Influenced and Corrupt Organization Act, RICO 18:1961-1968
480	Consumer Credit	Action filed under the Fair Credit Reporting Act, 15 U.S.C. 1681n or 15 U.S.C. 1681o, and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k
485	Telephone Consumer Protection Act (TCPA)	Action filed under the Telephone Consumer Protection Act 47 U.S.C. § 227
490	Cable/Satellite TV	Action filed involving unauthorized reception of cable/satellite TV service under 47 U.S.C. § 553 (unauthorized reception of cable/satellite TV), or 47 U.S.C. § 605 (e)(3) (unauthorized use or publication of a communication)
850	Securities/Commodities/Exchange	Action filed under Small Business Investment Act 15:681, Securities Exchange Act 15:78, Securities Act 15:77, Investment Advisers Act 15:80B(1-21)
890	Other Statutory Actions	Action primarily based on Statutes that cannot be classified under any other nature of suit, such as: Foreign Agents Registration Act 22:611-621, Klamath Termination Act 25:564-564W-L, Federal Aid Highway Act 23:101-142, Federal Corrupt Practices Act 2:241-256, Federal Election Campaign Act, Highway Safety Act 23:401 Immigration & Nationality Act 8:1503, Natural Gas Pipeline Safety Act 49:1671-1700, Naturalization Acts 8:1421/18:911, 1015, 1421, et seq., 3282 or Federal Aviation Act 49:1301 et seq.
891	Agricultural Acts	Action filed under the Federal Crop Insurance Act 7:1501-1550, Commodity Credit Corporation Act 15:713A-L & 4.
893	Environmental Matters	Action filed under Air Pollution Control Act 42:1857-57L, Clean Air Act 42:1857:57L, Federal Environment Pesticide Control Act, Federal Insecticide, Fungicide & Rodenticide Act 7:135, Federal Water Pollution Control Act 33:1151 et seq., Land & Water Conservation Fund Act 16:4602,460 1-4, Motor Vehicle Air Pollution Control Act 42:1857F-1-8,

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		National Environmental Policy Act 42:4321, 4331-35G, 4341-47, River & Harbor Act penalty 3:401-437, 1251.
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**Other Statutes (Continued)**

Code	Title	Description
895	Freedom of Information Act	Action filed under the Freedom of Information Act 5:552.
896	Arbitration	Action involving actions to confirm or modify arbitration awards filed under Title 9 of the U.S. Code.
899	Administrative Procedure Act/Review or Appeal of Agency Decision	Action filed under the Administrative Procedures Act, 5 U.S.C. § 701, or civil actions to review or appeal a federal agency decision.
950	Constitutionality of State Statutes	Action drawing into question the constitutionality of a federal or state statute filed under (Rule 5.1). Rule 5.1 implements 28 U.S.C. §2403.

Note: The statutes listed above are not all-inclusive, and other statutes might be applicable to each nature of suit.  
 Statutes that are included in the descriptions should be viewed as examples.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MOLLIE WILLIAMS,

Plaintiff,

v.

Case No. 2:23-cv-11944

AMAZON.COM SERVICES LLC,  
and DION BRYANT CARTER JR.,

Defendants.

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Amazon.com Services LLC (“Defendant” or “Amazon”) hereby removes the action captioned *Mollie Williams v. Amazon.com Services LLC and Dion Bryant Carter Jr.*, Case No. 2023-200259-CD from the Sixth Judicial Circuit Court for Oakland County, Michigan (the “Action”) to the United States District Court for the Eastern District of Michigan. The Action may be removed because the properly joined parties are diverse and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

As Amazon discusses in more detail below, Plaintiff cannot defeat diversity jurisdiction by including a non-diverse defendant against whom she fails to state a claim upon which relief can be granted. Here, Plaintiff asserts three causes of action

under Michigan’s Elliott-Larsen Civil Rights Act (“ELCRA”) but fails to state a claim against individual Defendant Dion Bryant Carter Jr. (“Carter”) because the ELCRA only applies to an employer and its agents. The ELCRA does not apply to Carter because (a) he was not Plaintiff’s employer or supervisor, and (b) Carter is not, and never was during the applicable time period, an Amazon employee or agent. Accordingly, Carter was fraudulently joined and his Michigan citizenship does not defeat diversity jurisdiction for purposes of removal.

In support of removal, Amazon states as follows:

**I. PROCEDURAL BACKGROUND.**

1. On or about May 9, 2023, Plaintiff Williams commenced the Action in the Sixth Judicial Circuit for Oakland County, Michigan. In the Complaint, Plaintiff purports to assert three causes of action against Amazon, including discrimination based on sex and sexual orientation, and retaliation in violation of the ELCRA, Mich. Comp. Laws § 37.2101, *et seq.* True and correct copies of all processes, pleadings, and orders filed in the Action and/or served on Amazon, including the Complaint and Summons, are attached as Exhibit A.

2. On July 14, 2023, Plaintiff filed a Default Request with the Sixth Judicial Circuit Court clerk, seeking entry of default as to Amazon. *See* Ex. A at 14. On July 17, 2023, the Sixth Judicial Circuit Court clerk entered a Default as to Amazon. *See id.* at 15.

3. To date, however, Amazon has not been properly served because the correct address for its registered agent, CSC Lawyers Incorporating Service, as reflected in the Michigan Secretary of State's records, is 3410 Belle Chase Way, Ste. 600, Lansing, MI 48911, not the address at which Plaintiff attempted to serve a copy of the Summons and Complaint. *See id.* at 10. Amazon lacks knowledge or information as to whom signed the certified mail receipt that was filed with the state court.

4. On July 19, 2023, Amazon, through its counsel, accepted service of the Complaint via electronic mail. *See id.* at 19. Counsel for Plaintiff consented to vacating the Clerk's Entry of Default and setting the deadline for Defendant to answer, plead, or otherwise respond to the Complaint as August 7, 2023. *See id.*

5. On July 25, 2023, Amazon filed the parties' Joint Stipulation and Proposed Order Vacating Clerk's Entry of Default with the Sixth Judicial Circuit Court. *See id.* at 18–20. On July 27, 2023, the Sixth Judicial Circuit Court entered the Order Vacating Clerk's Entry of Default. *See id.* at 22–24.

6. On July 24, 2023, the Sixth Judicial Circuit Court entered a scheduling order. *See id.* at 26. On July 24, 2023, the Sixth Judicial Circuit Court entered an order for facilitative mediation. *See id.* at 21.

7. There have been no further proceedings in the Sixth Judicial Circuit Court for Oakland County, Michigan for the Action. *See Ex. A* at 26.

## **II. REMOVAL IS TIMELY.**

8. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(a) because it is filed within thirty (30) days of July 19, 2023, the date on which Amazon’s counsel accepted service of the Complaint on behalf of Amazon.

9. No previous Notice of Removal has been filed or made with this Court for the relief sought herein.

## **III. THIS COURT HAS ORIGINAL SUBJECT MATTER JURISDICTION (DIVERSITY JURISDICTION) UNDER 28 U.S.C. § 1332(A).**

10. Federal district courts have “original jurisdiction” over all civil actions “where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.” 28 U.S.C. § 1332(a)(1).

11. The Action is a civil action over which this Court has original diversity jurisdiction pursuant to 28 U.S.C. § 1332, and the Action may be removed to this Court under the provisions of 28 U.S.C. § 1441(a) because the Action involves citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interests and costs.<sup>1</sup>

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<sup>1</sup> This Notice of Removal addresses the alleged nature and amount of damages placed at issue by the Complaint. Amazon’s reference to alleged damages amounts and their citation to comparable cases are provided solely for the purpose of establishing that the amount in controversy is more likely than not in excess of the jurisdictional minimum. Amazon maintains that Plaintiff’s claims are without merit



**A. Complete Diversity of Citizenship Exists.**

12. A defendant may remove a case to federal court based on diversity jurisdiction only if none of “the parties in interest *properly joined* and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b) (emphasis added).

13. Under the federal diversity jurisdiction statute, there must be complete diversity of citizenship between the parties—meaning that no plaintiff is a citizen of the same state as any one defendant. *See V & M Star, LP v. Centimark Corp.*, 596 F.3d 354, 355 (6th Cir. 2010).

14. A defendant may remove an action to federal court under 28 U.S.C. § 1332 provided no defendant is a citizen of the state in which the action was brought or of the same state in which the plaintiff is a citizen. *See* 28 U.S.C. §§ 1441(a), (b).

15. Here, disregarding the improperly and fraudulently joined Defendant Carter, all requirements are met because Plaintiff Williams is a citizen of Michigan and Amazon is a citizen of Delaware and Washington.

**1. Plaintiff Williams is a Citizen of Michigan.**

16. An individual’s citizenship for purposes of federal subject matter

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and that Amazon is not liable to Plaintiff. Amazon specifically denies that Plaintiff has suffered any damage as a result of any act or omission by Amazon. No statement or reference contained herein shall constitute an admission of liability or a suggestion that Plaintiff will or could actually recover any damages amounts based upon the allegations contained in the Complaint or otherwise.

jurisdiction depends on domicile. *See Prime Rate Premium Fin. Corp., Inc. v. Larson*, 930 F.3d 759, 765 (6th Cir. 2019). Domicile requires that a person both be present in a state and have “the intention to make his home there indefinitely or the absence of an intention to make his home elsewhere.” *Id.*

17. Here, Plaintiff alleges in the Complaint that she is a resident of the State of Michigan and was employed by Amazon in the State of Michigan. *See* Ex. A at 2, ¶¶ 1, 6.

18. This history accords with Amazon’s personnel records for Plaintiff, which reflect that Plaintiff’s last-known address as being in Michigan, Plaintiff maintained a Michigan home address throughout her employment with Amazon, and Plaintiff paid taxes as a citizen of Michigan. *See* Declaration of Alison Balcueva (“Balcueva Decl.”) at ¶¶ 6, 9, 10, attached as Exhibit B. According to Amazon’s personnel records, on May 24, 2021, Plaintiff began working for Amazon as a Same Day Delivery (“SDD”) Associate in Amazon’s SMI1 facility, located in Hazel Park, Oakland County, Michigan, and she remained employed with Amazon in that role until the termination of her employment, effective December 20, 2022. *See* Balcueva Decl. at ¶¶ 5, 8.

19. Thus, Plaintiff was and is domiciled in Michigan and, therefore, is a citizen of Michigan for purposes of diversity jurisdiction.

**2. Defendant Amazon is a Citizen of Delaware and Washington.**

20. Defendant Amazon.com Services, LLC is a limited liability company. A limited liability company “has the citizenship of each of its members.” *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009).

21. Amazon.com Sales, Inc. is the sole member of Amazon.com Services, LLC. A corporation is “a citizen of every [s]tate . . . by which it has been incorporated and of the [s]tate . . . where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). A corporation’s principal place of business is its “nerve center,” or “the place where the corporation’s high level officers direct, control, and coordinate the corporation’s activities.” *Hertz Corp. v. Friend*, 559 U.S. 77, 80–81 (2010).

22. Amazon.com Sales, Inc. is a Delaware corporation with its principal place of business in Seattle, Washington. *See* Declaration of Stephanie L. Sweitzer, (“Sweitzer Decl.”) at ¶ 5, attached as Exhibit C. Amazon.com Sales, Inc. is therefore a citizen of Delaware and Washington and, accordingly, Amazon.com Services, LLC is also a citizen of Delaware and Washington.

**3. Defendant Carter’s Citizenship is Irrelevant for Purposes of Removal.**

23. The Complaint alleges that Defendant Carter is a citizen of Michigan. *See* Ex. A at 2, ¶ 3 (“Defendant Dion Carter Jr. is a male, and upon information and belief, is residing n [sic] the County of Oakland, State of Michigan.”). Upon

information and belief, to date, Defendant Carter has not been served with the Summons and Complaint.

24. Defendant Carter’s citizenship should be disregarded because he was improperly and fraudulently joined to defeat diversity jurisdiction. *See Jerome-Duncan, Inc. v. Auto-By-Tel, L.L.C.*, 176 F.3d 904 (6th Cir. 1999) (holding lack of diversity does not bar removal based on diversity if defendant can demonstrate plaintiff fraudulently joined nondiverse party).

25. “Fraudulent joinder is a judicially created doctrine that provides an exception to the requirement of complete diversity.” *Coyne v. Am. Tobacco Co.*, 183 F.3d 488, 493 (6th Cir. 1999). Fraudulent joinder occurs when the non-removing party joins a party against whom there is no colorable cause of action.” *Saginaw Hous. Comm’n v. Bannum, Inc.*, 576 F.3d 620, 624 (6th Cir. 2009); *Coyne*, 183 F.3d at 493. To prove fraudulent joinder, Amazon, as the removing party, must show that Plaintiff could not have established a cause of action against the non-diverse defendant—here, Defendant Carter—under state law. *See Alexander v. Elec. Data Sys. Corp.*, 13 F.3d 940, 949 (6th Cir. 1994); *Coyne*, 183 F.3d at 493.

26. When ruling on a fraudulent joinder argument, courts “may ‘pierce the pleading’ and consider summary judgment evidence, such as affidavits presented by the parties. The court may look to material outside the pleadings for the limited purpose of determining whether there are undisputed facts that negate the claim.”

*Casias v. Wal-Mart Stores, Inc.*, 695 F.3d 428, 483 (6th Cir. 2012); *Walker v. Philip Morris USA, Inc.*, 443 Fed. Appx. 946, 953 (6th Cir. 2011).

27. Here, Defendant Carter was fraudulently joined because the ELCRA does not apply to him for at least two reasons. First, Carter is not, and during the relevant time period was not, an Amazon employee or agent. Second, Carter was not otherwise Plaintiff's employer or supervisor.

28. The ELCRA provides in relevant part that "An **employer** shall not [...] discharge, or otherwise discriminate against an individual with respect to employment [...] because of sex [...]." Mich. Comp. Laws § 37.2202(1)(a) (emphasis added). The ELCRA defines "employer" to mean "a person who has 1 or more employees, and includes an agent of that person." Mich. Comp. Laws § 37.2201(a). For purposes of the ELCRA, "[a]gents' are persons to whom the employing agency delegates supervisory power and authority over subordinates." *Elezovic v. Bennett*, 274 Mich. App. 1, 15 (2007).

29. Plaintiff's employment with Amazon began on May 24, 2021 as a SDD Associate. *See* Balcueva Decl. at ¶ 5. In this role, she reported to Milan Sibinovic, an Operations Manager. *See id.* at ¶ 7. Schanee Dubey, an Assistant Manager, also supervised Plaintiff during the relevant period. *See id.* Amazon terminated Plaintiff's employment effective December 20, 2022. *See id.* at ¶ 8.

30. Defendant Carter was not and has never been an Amazon employee.

*See id.* at ¶ 12. Rather, Carter was an independent contractor who contracted with Amazon as a Flex Delivery Provider. *See id.* at ¶ 13. As an independent contractor not employed by Amazon, at no time did Carter supervise or have any authority over Plaintiff whatsoever. *See id.* at ¶ 14. As an independent contractor not employed by Amazon, and to whom Amazon did not delegate supervisory power and authority to act on its behalf, Carter is not and was not an agent of Amazon. *See id.* at ¶ 15; *Elezovic*, 274 Mich. App. at 15.

31. Where, as here, Carter was not an Amazon employee or agent and was not otherwise Plaintiff's employer or supervisor, the ELCRA does not apply to Carter. Thus, Plaintiff has no colorable claim against him and Carter's citizenship must be disregarded for purposes of determining diversity jurisdiction.

32. Based on the foregoing, the complete diversity of citizenship requirement is met. *See* 28 U.S.C. § 1332(c)(1).

**B. The Amount in Controversy Exceeds \$75,000.**

33. Removal based on diversity of citizenship is proper if the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a).

34. The defendant seeking to remove to federal court must "show by a preponderance the evidence that the amount in controversy has been met." *Hayes v. Equitable Energy Res. Co.*, 266 F.3d 560, 572 (6th Cir. 2001) Even where, as here, the plaintiff does not allege any specific amount to be in controversy, "[t]his standard

does not place upon the defendant the daunting burden of proving, to a legal certainty, that the plaintiff's damages are not less than the amount-in-controversy requirement." *Id.* Rather, a "defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold." *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 88 (2014).

**1. *Plaintiff's Economic Damages Alone Are Likely to Exceed the Jurisdictional Minimum of \$75,000.***

35. Here, while Amazon denies any and all liability to Plaintiff and that Plaintiff is entitled to the relief sought, a fair reading of Plaintiff's complaint makes clear that the amount in controversy exceeds \$75,000. Plaintiff does not quantify the total amount of damages she seeks to recover, but requests that the Court "grant judgment [...] in an amount the Court or jury deems just and fair, plus interest, costs and attorney fees." Ex. A at 6.

36. Plaintiff brings three causes of action against Amazon, alleging that Amazon purportedly violated the ELCRA by discriminating against her based on her sex and sexual orientation and retaliating against her. *See generally* Ex. A. Under the ELCRA, a prevailing plaintiff may recover back pay, front pay, compensatory damages (including emotional distress damages), attorneys' fees and costs, witness fees, and injunctive and equitable relief. *See* Mich. Comp. Laws § 37.2801(3) (stating that "damages" means "damages for injury or loss caused by each violation



of this act, including reasonable attorney's fees"); Mich. Comp. Laws § 37.2802 ("A court, in rendering a judgment in an action brought pursuant to this article, may award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.").

37. Plaintiff was terminated effective December 20, 2022. *See* Balcueva Decl. at ¶ 8. At the time of her termination, Plaintiff's annual base salary was \$37,336.00. *See id.* at ¶ 11. Thus, Plaintiff's alleged backpay for the period of time between December 20, 2022 and the time of removal is approximately \$22,976 (32 weeks of pay).

38. An award of front pay would be calculated from the present through the estimated date of trial. Assuming the case does not go to trial for 24 months (a reasonable estimate based on civil docket statistics for the Eastern District of Michigan, *see* Sweitzer Decl. at ¶ 3, Ex. 2), front pay damages would run until August 2025. 104 weeks of front pay would equal \$74,672. Taken together with her claim for backpay, her claim for lost wages alone exceeds \$75,000.

39. Further, Plaintiff asserts that she "has suffered, and will continue to suffer, extensive damages, including but not limited to" stress, humiliation, emotional damages, non-economic damages, exemplary damages, economic damages and all other injuries to be discovered throughout discovery." Ex. A at 3, ¶

19.

40. Prevailing plaintiffs seeking emotional distress as a result of alleged discrimination under ELCRA have received in excess of \$75,000 for such damages. *See, e.g., Aboubaker*, JVR No. 1403200032 (awarding plaintiff, who brought claims for national origin, race, and religious discrimination under Title VII and the ELCRA, \$250,000 for pain and suffering); *Auvenshine*, 2006 WL 2669969 (awarding plaintiff, who brought claim of race discrimination under Title VII and the ELCRA, over \$300,000 in emotional distress damages against two defendants); *see also Behm*, JVR No. 1209180012 (finding for plaintiff on claims of sexual harassment and sexually hostile work environment under Title VII and ELCRA and awarding \$100,000 for pain and suffering), true and correct copies of which are attached as Exhibit D.

41. Like the plaintiffs in these lawsuits, Plaintiff alleges that she was discriminated against based on sex and retaliated against and suffered emotional distress as a result. Accordingly, it is reasonable to assume, solely for the purposes of establishing the amount in controversy, that the Complaint puts at issue an excess of \$75,000 for alleged emotional distress.

**2. *Plaintiff's Attorney's Fees, When Added to the Specific Damages Pled, Exceed the Jurisdictional Minimum.***

42. A request for attorney's fees also counts towards the total amount in controversy for diversity purposes. *See* Ex. A at 6; *see also Heyman v. Lincoln Nat'l*

*Life Ins. Co.*, 781 Fed. Appx. 463, 473 (6th Cir. 2019) (“a reasonable fee to compensate attorneys for their work on the case also must be included in the calculation of the relevant amount in controversy in the litigation” where “a statute mandates or expressly allows the payment of such fees.”). And Attorney’s fees are recoverable under ELCRA. Mich. Comp. Laws § 37.2802.

43. A conservative estimate of Plaintiff’s counsel’s hourly rate based on the State Bar of Michigan 2020 Economics of Law Practice Attorney Income & Billing Rate Summary Report is \$345 per hour. *See* Sweitzer Decl. at ¶ 4, Ex. 1 (showing the mean hourly rate of an attorney practicing plaintiff-side employment law). As discussed in the chart below, even by a conservative estimate, and not accounting for inflation, *see id.* at ¶ 3, Plaintiff’s counsel will easily exceed this amount when attorney’s fees are added to potential damages for lost wages and emotional distress.

Activity	Estimated Number of Hours
Investigation of Plaintiff’s claims; Drafting and Filing of Plaintiff’s Administrative Charge; Drafting and Service of Civil Complaint.	10 hours
Propounding and Responding to Written Discovery (Amazon anticipates serving document requests, interrogatories, and requests for admission. Amazon further anticipates that Plaintiff will serve document requests, interrogatories, and requests for admission).	20 hours
Rule 26 Meeting of Counsel and Preparation of Joint report.	10 hours
	5 hours

Court appearances for other than trial and Communications with Amazon's Counsel	
Deposition practice: taking and defending depositions (Amazon anticipates that it will take the depositions of Plaintiff and at least two additional fact witness, Plaintiff's experts and medical providers, which Plaintiff's counsel will likely defend; Plaintiff will likely also depose witnesses).	45 hours
Plaintiff's Opposition to Amazon's anticipated Motion for Summary Judgment	20 hours
Preparing for and attending Mediation	10 hours
Trial Preparation ( <i>e.g.</i> , drafting and opposing motions <i>in limine</i> , preparation of jury instructions, jury verdict form, statement of case, opening statement, closing argument, direct and cross examinations).	45 hours (conservative estimate of only one week of time)
Trial Estimate: 5 days	40 hours (estimating only 8 hours per day for 5 days)
Total Hours: 205 at a rate of \$345 per hour	<b>Total Fees: \$70,725</b>

44. Taking Plaintiff's alleged damages together—but without conceding that Plaintiff is entitled to any relief at all—the amount placed in controversy by Plaintiff's claims surpasses \$75,000, making removal proper under 28 U.S.C. § 1332.

#### **IV. THE OTHER PREREQUISITES FOR REMOVAL HAVE BEEN SATISFIED.**

45. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). The Eastern

District of Michigan encompasses the Sixth Judicial Circuit Court for Oakland County, Michigan, where the Action was originally filed.

46. In accordance with 28 U.S.C. § 1446(a), Amazon has attached hereto as Exhibit A true and correct copies of all process, pleadings, and orders either existing on file in the State Court in this Action or otherwise served on Amazon and its counsel of record.

47. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Sixth Judicial Circuit Court for Oakland County, Michigan, and will be served on all parties.

48. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Amazon's rights to assert any defense or affirmative matter, including statutes of limitations, jurisdictional and venue defenses, and defenses related to service. Nor shall it be construed as an admission of liability of that Plaintiff is entitled to any damages or other relief.

## **V. CONCLUSION**

Defendant Amazon respectfully requests that the Action, now pending in the Sixth Judicial Circuit Court of Oakland County, Michigan, Case No. 2023-200259-CD, be removed to the United States District Court for the Eastern District of Michigan and that this Court accept jurisdiction over the Action and that the Action

be entered on the docket of this Court for further proceedings as though the Action had originally been instituted in this Court.

Dated: August 7, 2023

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Stephanie L. Sweitzer  
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*Attorneys for Defendant Amazon.com  
Services, LLC*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Mollie Williams,

Plaintiff(s),

Case No. 2:23-cv-11944

v.

Amazon.com Services LLC, and Dion Bryant  
Carter Jr.,

Defendant(s).

**STATEMENT OF DISCLOSURE  
OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST**

Pursuant to E. D. Mich. LR 83.4, Amazon.com Services LLC

makes the following disclosure: *(NOTE: A negative report, if appropriate, is required.)*

1. Is said corporate party a subsidiary or affiliate of a publicly owned corporation?

Yes ☒ No ☐

If the answer is yes, list below the identity of the parent corporation or affiliate and the relationship between it and the named party.

Parent Corporation/Affiliate Name: Amazon.com, Inc.

Relationship with Named Party: Amazon.com Sales, Inc. is the only member of Amazon.com Services LLC  
Amazon.com Sales, Inc. is a wholly owned subsidiary of Amazon.com, Inc.

2. Is there a publicly owned corporation or its affiliate, not a party to the case, that has a substantial financial interest in the outcome of the litigation?

Yes ☐ No ☒

If the answer is yes, list the identity of such corporation or affiliate and the nature of the financial interest.

Parent Corporation/Affiliate Name:

Nature of Financial Interest:

Date: August 7, 2023

/s/ Stephanie L. Sweitzer

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Attorneys for Defendant Amazon.com Services LLC



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies the foregoing Notice of Removal and Statement of Disclosure of Corporate Affiliations and Financial Interest was served via U.S. Mail with postage prepaid and electronic mail on the following counsel of record on August 7, 2023:

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